

ICO Update by Richard Syers, Senior Policy Officer

GDPR

We continue to work on producing guidance for organisations in the run up to GDPR. So far:

- We have produced a document on Preparing for the GDPR: 12 steps to take now, to give organisations a list of the key issues they need to be addressing in their preparations. This has been well received, both in the UK and abroad.
- We have published an Overview of the GDPR.
- We have referred to relevant GDPR provisions in our revised Privacy notices code of practice.
- We have published our draft consent guidance for public consultation. The consultation closed on 31 March and we received over 300 responses. We are analysing the feedback received and this will feed into the final version.
- We have published our profiling discussion paper for feedback. The deadline for responses was 28 April. We are analysing the feedback received and will publish a summary of responses in due course. This feedback will inform our input into the drafting of the EU guidance on profiling and automated decision-making.
- We have been identifying what guidance is needed as a priority, and assessing where we can adapt our existing DPA guidance and where we need to create new content.
- We have published version 2 of our paper on big data. While this is not a guidance document on the GDPR, it does discuss GDPR provisions that are relevant to big data and machine learning.

At European level, The Article 29 Working Party (WP29), with its various sub-groups, includes representatives of the data protection authorities from each EU member state. They have an annual work programme which covers the guidelines they are producing on key aspects of the GDPR. As the UK's representative, the ICO continues to participate fully in this work, taking on responsibilities as rapporteur (lead) for some of the guidelines and chairing the technology sub-group.

We will continue to contribute to producing WP29 guidelines and when they are published we will link to them from the Overview. We will not duplicate the work of the WP29, but we will incorporate the key points in the Overview. Where it is appropriate we will publish our own additional advice to explain anything that is particularly relevant to the UK.

The WP29 has now adopted guidelines, with FAQs, on the following GDPR topics:

- Data portability
- Data protection officers
- Identifying a controller or processor's lead supervisory authority

These are available on the WP29 website, and we have linked to them from the relevant sections of the Overview. WP29 invited comments on these documents and is considering the responses received.

The WP29 has finalised its work plan for 2017 and we have contributed to the discussion on this. WP29 intends to produce guidance documents on:

- Administrative fines
- High risk processing and Data Protection Impact Assessments
- Certification

- Profiling
- Consent
- Transparency
- Notification of personal data breaches
- Tools for international transfers

Other areas we are working on in the financial services sector

As well as continuing to engage with organisations and industry groups about their preparations for GDPR, we are also currently working with them, the FCA and other stakeholders on the Open Banking initiative and the implementation of the Payment Services Directive II. We broadly support the idea that individuals should have easy ways of accessing (or giving access to) the data they generate, such as their financial transaction data, so that they can use that data for their own benefit. However this must be balanced with the potential risks that come from opening up access to such data, such as security concerns and the potential for that information to be misused. We are therefore keen to work with relevant stakeholders to ensure that the right balance is struck.

We are also looking more widely at customer vulnerability across all relevant sectors (e.g. financial, energy and utilities etc.). This is in terms of helping organisations comply with their requirements when it comes to proactively identifying and assisting vulnerable customers, or those with particular needs, whilst also respecting the privacy and data protection rights of those individuals.

Earlier in the year, we responded to the FCA's consultation on the fair treatment of mortgage customers in payment shortfall. We are also preparing a response to the FCA's consultation on persistent debt and earlier interventions remedies, which we will publish once submitted.